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Jasapara 3-7

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*Remarks*

Reconsideration of remaining claims 1-11, 13-18 and 20-23 is respectfully requested.

In the Office action dated June 30, 2006, the Examiner objected to claims 17 and 18, and issued a rejection of claims 1-11, 13-18 and 20-23. Claims 16, 17 and 20-22 were objected to as containing "patentable subject matter", but depending from a rejected base claim. The Examiner's objections and rejections will be discussed below in the order appearing in the Office action.

*Claim Objections*

Claims 17 and 18 were objected to as containing phrases in the preamble that cannot be given patentable weight. In response, applicants have amended claims 17 and 18 to delete these phrases from the preamble and instead insert the appropriate language in the proper "step" of the claimed method. Applicants believe that claims 17 and 18 are now in condition for allowance over the Examiner's objections.

*35 USC § 103(a) Rejection - Claims 1, 5, 9, 11 and 12*

The Examiner first rejected the above-cited claims under 35 USC 103(a) as being unpatentable over US Patent 5,633,712 (Venkatesh et al.), of record, in view of German Patent DE 102-07-186.1 (Knüttel), also of record. In the *Response to Arguments* at page 12 of the Examiner's action, the Examiner stated the following:

Applicant's sole argument for these claims is that the reference Venkatesh et al. requires the additional use of a reflector to carry out the measurements, instead of using only those structural elements of claim 1: namely, a broadband source, beam splitter, lensing arrangement, and spectrometer. Examiner notes that applicant has used an open-ended transitional phrase "comprising" to claim the invention. As such relevant prior art may include additional features, besides those claimed by applicant, and still read on applicant's invention. If applicant wishes to exclude other features, such as a reflector, it would be necessary to claim applicant's invention using a close-ended transitional phrase, such as "consisting of" or specifically indicate in the claims that this feature must be absent.

Jasapara 3-7

In response, therefore, applicants have amended independent claim 1 (as well as independent claim 14) to specifically define the arrangement as “consisting of” only those elements listed in claim 1. Applicants believe that with this amendment, the Examiner’s rejection based on Venkatesh et al. and Knuttel is overcome.

Applicants respectfully request the Examiner to reconsider this rejection and find claims 1, 5, 9 and 11 to be in condition for allowance.

***35 USC § 103(a) Rejection - Claim 2***

The Examiner next rejected claim 2 under 35 USC 103(a) as being unpatentable over the above-cited combination of references in further view of Japanese patent 10311708 (Inaba et al.). Inasmuch as applicants believe that independent claim 1 is patentable over the combination of Venkatesh et al. and Knuttel, it is asserted that claim 2, as depending from claim 1, is likewise patentable over this combination. Applicants thus respectfully request the Examiner to reconsider this rejection and find claim 2 to be in condition for allowance.

***35 USC § 103(a) Rejection - Claims 3 and 4***

Claims 3 and 4 were next rejected by the Examiner under 35 USC 103(a) as being unpatentable over Venkatesh et al. and Knuttel (as applied to claim 1), in further view of US Patent 6,961,123 (Wang et al.). Regardless of the teaching of Wang et al., applicants assert that the combination of Venkatesh et al. and Knuttel lacks any teaching of an FDOCT arrangement that consists of a broadband lightwave source, optical beam splitter, lensing arrangement and optical spectrometer to determine predetermined characteristics (such as thickness) of various layers within an optically transparent element. Without this teaching, applicants assert that the cited references cannot be found to render obvious the subject matter of claims 3 and 4.

Applicants thus respectfully request the Examiner to reconsider this rejection and find claims 3 and 4 to be in condition for allowance.

Jasapara 3-7

**35 USC § 103(a) Rejection - Claims 6-8**

The Examiner next rejected claims 6-8 under 35 USC 103(a) as being unpatentable over Venkatesh et al. and Knuttel (as above), in further view of an article by Nishimura et al. appearing in *IEEE Journal of Selected Topics in Quantum Electronics*. Regardless of the teaching of Nishimura et al., applicants again assert that the above-discussed combination of Venkatesh et al. and Knuttel lacks any teaching of an FDOCT arrangement that consists of a broadband lightwave source, optical beam splitter, lensing arrangement and optical spectrometer to determine predetermined characteristics (such as thickness) of various layers within an optically transparent element. Without this teaching, applicants assert that the cited references cannot be found to render obvious the subject matter of claims 6-8.

Applicants thus respectfully request the Examiner to reconsider this rejection and find claims 6-8 to be in condition for allowance.

**35 USC § 103(a) Rejection - Claim 10**

Claim 10 was next rejected by the Examiner under 35 USC 103(a) as being unpatentable over the combination of references cited above in association with claims 6-8, in further view of an article by Jauncey et al. appearing in *Optics Letters*. Regardless of the teaching of Jauncey et al., applicants again assert that the above-discussed combination of Venkatesh et al. and Knuttel lacks any teaching of an FDOCT arrangement that consists of a broadband lightwave source, optical beam splitter, lensing arrangement and optical spectrometer to determine predetermined characteristics (such as thickness) of various layers within an optically transparent element. Without this teaching, applicants assert that the cited references cannot be found to render obvious the subject matter of claim 10.

Applicants thus respectfully request the Examiner to reconsider this rejection and find claim 10 to be in condition for allowance.

**35 USC § 103(a) Rejection - Claim 13**

The Examiner next rejected claim 13 under 35 USC 103(a) as being unpatentable over Venkatesh et al. and Knuttel (as applied to claim 1), in further view of US Patent

Jasapara 3-7

6,661,502 (Jakobsen et al.). Regardless of the teaching of Jakobsen et al., applicants again assert that the combination of Venkatesh et al. and Knuttel lacks any teaching of an FDOCT arrangement that consists of a broadband lightwave source, optical beam splitter, lensing arrangement and optical spectrometer to determine predetermined characteristics (such as thickness) of various layers within an optically transparent element. Without this teaching, applicants assert that the cited references cannot be found to render obvious the subject matter of claim 13.

Applicants thus respectfully request the Examiner to reconsider this rejection and find claim 13 to be in condition for allowance.

***35 USC § 103(a) Rejection - Claims 14 and 23***

Claims 14 and 23 were next rejected by the Examiner under 35 USC 103(a) as being unpatentable over Venkatesh et al. in view of Jakobsen et al. Applicants assert that the combination of Venkatesh et al. and Jakobsen et al. is limited to teaching a method of measuring the thickness of various layers within an optical fiber that requires at least one reflective surface (25, 26) to be disposed adjacent to the fiber being tested. The method of the present invention as defined by independent claim 14 requires no such reflective surface to be used, consisting of only those steps as itemized in claim 14.

Applicants thus respectfully request the Examiner to reconsider this rejection and find independent claim 14, as well as dependent claim 23 to be in condition for allowance.

***35 USC § 103(a) Rejection - Claims 15 and 18***

Claims 15 and 18 were next rejected by the Examiner under 35 USC 103(a) as being unpatentable over Venkatesh et al. and Jakobsen et al. in view of Inaba et al. For the reasons stated above in association with the rejection of independent claim 14, applicants assert that the combination of Venkatesh et al. and Jakobsen et al. with Inaba et al. still lacks any teaching of a method for determining the thickness of various optical fiber layers that does not require a reflective surface. Applicants thus respectfully request the Examiner to reconsider this rejection and find claims 15 and 18 to be in condition for allowance.

Jasapara 3-7

***Allowable Subject Matter***

The Examiner has cited claims 16, 17 and 20-22 as containing patentable subject matter. Applicants affirm this statement and believe that these claims, in their current dependent form, remain in condition for allowance.

Applicants believe that the case, in its present form, is now in condition for allowance and respectfully request an early and favorable response from the Examiner in that regard. If for some reason the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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